

### REMARKS

Claims 1-20 remain before the Examiner for reconsideration.

### DOUBLE PATENTING OBJECTIONS

Claims 15-20 have been objected to under 37 CFR 1.75 as being substantial duplicate of claims 1, 2, 3, 8, 12 and 13. This objection should be withdrawn in view of the remarks made herein.

Claims 15-20 were filed to provide a varied scope of current Claims 1-13 and include that at least one attachment member is "disposed on and extending from the body" as shown in Fig. 55. The varied scope of the invention is based on the originally filed Claims 1-14 of Application 09/077,020 which were subject to a restriction requirement. Accordingly, Applicants request that the double patenting rejection of Current Claims 15-20 be reconsidered.

### REJECTIONS UNDER 35 USC 102(b)

Claims 1-20 stand rejected under 35 USC 102(b) as being anticipated by Neer et al. This rejection should be withdrawn in view of the remarks made herein.

The Office Action alleges that Neer teaches an injector with a syringe retaining mechanism (125) for use with a syringe (30) with a plunger (54) and a flange (37), the retaining mechanism comprises an attachment member (127) with a ridge (130), projections (150) and tabs (131, 133), and an encoding mechanism (188).

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. See Motorola Inc. v.

*Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teachings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See. *Jamesbury Corp. v. Litton Industrial Products, Inc.* 225 USPQ, 253, 256 (CAFC 1985); *Kalman v. Kimberly-Clark Corp* 218 USPQ 781, 789 (Fed. Cir. 1983)).

Neer discloses a syringe 32 that is inserted into a jacket 31, and:

[w]hen a syringe 32 is inserted into the jacket 31 when the plunger 54 is at its rearmost position toward the proximate end 56 of the syringe body 55, the coupling 96 is in a position adjacent the proximate end 56 of the syringe body 55 and projecting rearwardly therebeyond. When in such a position, engagement between the jaws 114 and the coupling 96 is brought about by translational movement between the position shown in FIG. 4 and that shown in FIG. 5. In the unlocked or disengaged position shown in FIG. 4, the axes 40 and 41 of the jacket 31 and the syringe 32, respectively, as well as the center of the opening 39 of the door 25, lie spaced from and parallel to the axis 112 of the shaft 105 as shown in FIG. 4. In the locked or engaged position, the axis 112 of the shaft 105 is slightly eccentric relative to the axes 40 and 41 of the jacket 31 and syringe 32, respectively, as shown in FIG. 5. This translational movement, the engagement and disengagement between the coupling 96 and the jaws 114 and the 45 degrees rotational movement which secures the cap 51 to the pressure jacket 31 by engagement of the threads 85 and 86 are brought about by operation of a translating and locking mechanism 125, which is best understood by reference to FIGS. 2-9. (col. 10, line 54 to col. 11 line 9)

Thus, the syringe Neer discloses does not include any syringe with an attachment member 127 and ridge 130, projection 150 and tabs 131, 133. Rather, the retaining mechanism with an attachment member 127 and ridge 130, projection 150 and tabs 131, 133 are part of the syringe retaining mechanism 127.

Further, Neer discloses that the:

translating and locking mechanism 125 includes a cam and locking ring 127 which is rotatably retained in a circular recess 126 in the back of the door 25. The ring 127 has a generally semi-circular groove 130 in the back surface thereof for receiving a spring wire retaining clip 131 having a pair of looped ends 133 which extend through a pair of slots 134 in the rim of the ring 127 and into a selected one of three pair of diametrically opposed notches 135, 136 and 137 in the inner wall of the rim of the recess 126 in the door 25. The three pair of notches 135, 136 and 137 represent three positions of the translating and locking mechanism 125 which are the locked, unlocked and release positions, respectively. The locked position of the mechanism 125 in which the loops 133 of the ring 131 are in the notches 135, is that illustrated in FIGS. 5-7 and 10. The unlocked position, in which the loops 133 of the ring 131 are in the notches 136, is that

illustrated in FIGS. 2-4 and 8. The release position, in which the loops 135 of the clip 133 are in notches 137, is that illustrated in FIG. 9. *The ring 127 is moved among these three positions by a manually accessible handle 138 in the form of a cylindrical knob 139 rotatably attached to a lever arm 140 formed integrally and extending radially from the ring 127 through a slot 141 in the door 25 (FIG. 1). The ring 127 is retained in the recess 126 by a pair of screws 143 which thread into countersunk holes 144 at the periphery of the recess 126 in the back of the door 25. These screws 143 have enlarged heads 146, which, when seated in the holes 144, overlie the edge of the ring 127, thereby securing it for rotatable movement within the recess 126. (Emphasis added, Col. 11, lines 10-40).*

Thus, the locking ring 127 must be moved to the screw and sligned properly. Thus, any engagement depends on the specific orientation of the locking ring 127.

More importantly, Neer discloses that:

As shown in FIGS. 2 and 6, the ring 127 has an inner periphery 149 which is larger than the circumference of the body 55 of the syringe case 50. Accordingly, when the syringe 32 is inserted in the jacket 31, the proximate end 56 of the syringe case 50 extends through and is surrounded by the inner periphery 149 of the ring 127. Asymmetric keyway structure, preferably in the form of three slots or notches 151, 152 and 153 (FIG. 6) are provided in the edge of the proximate end 56 of the body 55 of the syringe case 50. The spacings between adjacent pairs of the notches 151-153 differ from each other. Formed integrally of the ring 127 and projecting inwardly from the inner periphery 149 thereof are three tabs or keys 155, 156 and 157. These tabs 155-157 are spaced so as to fit into the respective notches 151-153 in the proximate end 56 of the body 55 of the syringe case 50 so as to rotate the syringe 32 as the mechanism 125 is rotated through actuation of the handle 138. Because the notches 151-153 and the tabs 155-157 are unequally spaced, they can only engage each other when the syringe 32 is inserted into the jacket 31 in one and only one orientation. That orientation is one which will cause the slot 62 of the collar 52 (FIG. 3) to align 45 degrees counterclockwise of the vertical when the mechanism 125 is in its unlocked position, which is a position in which it will be when the syringe is first inserted into the jacket 31, and to be in an upwardly facing orientation, when fully loosened, when the mechanism 125 is moved to its locked position. Accordingly, the notches 135 and 136 in the recess 126, which receive the loops 133 of the spring clip 131 when respectively in the locked and unlocked positions, are 45 degrees apart. (Col. 11, line 41 to Col. 12, line 4)

Therefore, Neer requires that notches 151-153 of the syringe must be oriented in a specific direction relative to the translating and locking mechanism 125. Thus, Neer does not disclose Applicants' invention including "at least one attachment member associated with the body, the at least one attachment member adapted to releasably engage the syringe retaining mechanism of the injector regardless of the orientation of the syringe with respect to

the injector" of Applicants' invention of Claim 1 or "at least one attachment member disposed on and extending from the body, the at least one attachment member adapted to releasably engage the syringe retaining mechanism of the injector regardless of the orientation of the syringe with respect to the injector," of Applicants' invention of Claim 15.

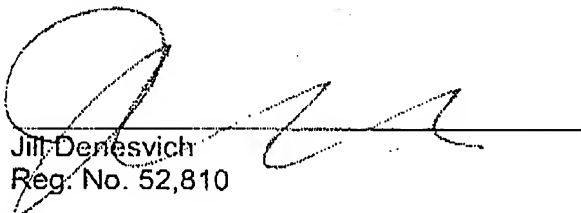
Further, Applicants' invention of Claim 14 is directed to a syringe for use with an injector comprising a syringe retaining mechanism, the syringe comprising, "a body comprising a rearward end and a forward end; a plunger movably disposed within the body; at least one attachment member associated with the body; and at least one rotation member comprising a recess formed in the body for releasably engaging a corresponding member of the syringe retaining mechanism of the injector."

Neer discloses a syringe that the tabs 155-157 fit into notches 151-153 so as to rotate the syringe 32 as the mechanism 125 is rotated through actuation of the handle 138 (see col. 11, lines 50-58). Essentially, the handle 138 is required, and Neer does not disclose at least one rotation member comprising "a recess formed in the body for releasably engaging a corresponding member of the syringe retaining mechanism of the injector." Neer therefore does not disclose every element of the claimed invention in as complete detail as is contained in the claim. Reconsideration of the Examiner's rejection is requested.

In view of the above remarks, the Applicants respectfully request that the Examiner withdraw the rejections of the claims, indicate the allowability of the claims and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

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I hereby certify that this correspondence is being faxed to 571-273-8300 to the Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on January 10, 2007.



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